

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LIFE INSURANCE COMPANY OF)	
NORTH AMERICA,)	
)	
Plaintiff,)	Case No. 08 CV 00963
)	
v.)	Judge Samuel Der-Yeghiayan
)	
DEBRA A. BROWNING and)	
THERESA A. SCIMECA (Individually)	
and as Guardian of her minor child,)	
CODY BROWNING,)	
)	
Defendants.)	

**MOTION FOR LEAVE TO DEPOSIT STAKE,
DISCHARGE AND PERMANENT INJUNCTION**

NOW COMES plaintiff, LIFE INSURANCE COMPANY OF NORTH AMERICA, (“LINA”), by its attorneys, Daniel K. Ryan and Adam L. Saper, and as its Motion for Leave to Deposit Stake, Discharge and Permanent Injunction, states as follows:

1. LINA filed its Amended Complaint for Interpleader and Other Relief on March 3, 2008.
2. Respective counsel for the defendants, Bradley Foreman for Debra Browning, and Mitchell Feinberg for Thersea Scimeca (individually and as guardian of Cody Browning), accepted service on behalf of their respective clients and, as appears of record, have entered their appearances on behalf of their respective clients. Further, on March 5, 2008, Scimeca filed an Answer to the Amended Complaint.
3. The insurance proceeds arising under Group Policy Number FLX 960387 (“Policy”) as a result of the death of Jack Browning are \$77,100 (the “Proceeds”).
4. By deposit of the Proceeds with the Court Registry, to be disbursed following judicial determination of entitlement among the claimants herein, LINA will have satisfied all of

its obligations under the Policy in connection with the death of Jack Browning and should be discharged from all further liability. (A proposed order is attached hereto as Exhibit A).

WHEREFORE, plaintiff, Life Insurance Company of North America, respectfully requests that the Court enter an Order, as follows:

- a. Life Insurance Company of North America is granted leave to deposit with the Registry of the Court the stake of \$77,100 ("Proceeds");
- b. Subject to and conditioned upon its deposit of the Proceeds, Life Insurance Company of North America is hereby discharged from any and all liability in this cause and from any and all liability with respect to Policy Number FLX 960387 (the "Policy") as it relates to the death of Jack Browning ("Decedent") and from any and all liability to all parties in this cause and all persons and entities in privity with or claiming through any such party any rights arising under the Policy giving rise to this interpleader action;
- c. All parties hereto and parties in privity with or claiming they are such parties are permanently enjoined, pursuant to 28 USC §2361, from making demand or instituting and prosecuting any other proceeding against plaintiff Life Insurance Company of North America in any court, Federal or State, for the recovery of all or any part of the proceeds of the Policy relative to the death of Decedent;
- d. The Court retains jurisdiction of this cause for the determination of the rights of the respective claimant-defendants in and to the Proceeds;
- e. All claims, counterclaims, and cross-claims against Life Insurance Company of North America are dismissed; and
- f. Life Insurance Company of North America shall have thirty (30) days within which to file a petition for attorneys' fees.

LIFE INSURANCE COMPANY OF NORTH AMERICA

By: /s/ Adam L. Saper
One of Its Attorneys

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STATE OF ILLINOIS)
)
COUNTY OF COOK)
)

CERTIFICATE OF SERVICE (ECF)

I, the undersigned, a non-attorney on oath, state that I filed the above and foregoing *Motion for Leave to Deposit Stake, Discharge and Permanent Injunction*, via the United States District Court for the Northern District of Illinois' electronic filing system (ECF) on the 17th day of March, 2008, and will make copies of the documents available to the following counsel(s) of record on March 17, 2008:

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/s/ Cheree A. Woods
Cheree A. Woods